

United States District Court
Western District of New York

United States of America,
Plaintiff

Motion to File Out-of-Time

vs

Wrobel, et al.,

Docket № 12-CR-00125

Defendants

Gene Foland,

Defendant

PLEASE TAKE NOTICE that, Gene Foland, through his attorneys, Harrington & Mahoney, Attorneys at Law, Jesse C. Pyle, Esq., of Counsel, hereby moves this Court for permission to file the defendant's sentencing memorandum and letters of support out-of-time, for the reasons given in the supporting affirmation.

Date: January 4, 2019

Respectfully submitted,
/s/ Jesse C. Pyle

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United States District Court
Western District of New York

United States of America,
Plaintiff

vs

Wrobel, et al.,

Defendants

Gene Foland,

Defendant

Affirmation in Support of Motion
to File Out-of-Time

Docket № 12-CR-00125

Jesse Pyle, affirms to be true and states under penalty of perjury as follows:

1. I am an attorney at law and represent Mr. Foland in the above-referenced matter.

2. On August 30, 2018, Mr. Foland entered a plea of guilty. Sentencing is presently scheduled for January 15, 2019. Letters and sentencing memoranda are due on or by January 7, 2019.

3. I make this motion to file Mr. Foland's sentencing memorandum and letters of support out-of-time, to no later than January 11, 2019.

4. I ask to file these submissions out-of-time because I am still awaiting some materials which are important to the sentencing presentation. I am still awaiting letters from some of Mr. Foland's family members, and I am anticipating some significant financial information regarding Mr. Foland's wife.

5. I have reached out to the U.S. Probation Office regarding some financial information in the pre-sentence report. Mr. Foland did not file objections to the PSR, but it may transpire that some portions of the PSR are changed before final submission on or by

January 8, 2019. Any such changes should be reflected in Mr. Foland's sentencing submissions.

6. Finally, due to the press of other matters in which I am involved, it would be helpful to have extra time in which to finalize these sentencing submissions and review them with Mr. Foland before filing.

7. I have spoken to Assistant United States Attorney Russell Ippolito, Esq., regarding this request. He has indicated that the government has no objection.

Date: January 4, 2019

/s/ Jesse C. Pyle

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